

Notice of Allowability

Application No.

10/633,592

Examiner

Jeffrey Sharp

Applicant(s)

BIRKELBACH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/1/2005.
2. ☒ The allowed claim(s) is/are 2,3,6,8-11 and 13-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Katherine Mitchell
Katherine Mitchell
Primary Examiner

DETAILED ACTION

Response to Arguments

Applicant's arguments, see those filed 01 November 2005, with respect to the rejection of claims 2, 3, 6, 11 and 15 under 35 USC 102(b) as being anticipated by Carlson et al. US-3,794,092 and with respect to the rejection of claims 2, 3, 6, and 8-11 under 35 USC 103(a) in further view of Birkelbach DE 19960287 have been fully considered and are persuasive. Therefore, these rejections have been withdrawn.

Allowable Subject Matter

Claims 2, 3, 6, 8-11, and 13-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Carlson et al. US-3,794,092 teaches or at least suggests that it would be obvious to reverse thread bisector angles on a screw at a transition. However, Carlson et al. does not disclose said transition to be the same point as where the external thread diameter in the rear area starts to decrease along the entire length of the front area. In other words, Carlson et al. is silent as to a *thread diameter transition* being the same as a *bisector angle reversal transition*. Carlson et al. US-3,794,092 also fails to disclose the front area threads having a sharp "bend" at the load flank (12) as illustrated, but does show a gradual increase in flank angle.

Birkelbach DE 19960287 suggests a sharp bend in a load flank to provide additional strength, and to "beef up" the base of each thread.

Thévenin FR 1,483,931 (figure 3) suggests a transition where the generally uniform cylindrical external thread diameter in the rear area starts to decrease along the entire length of

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the front area. Said transition is the same point as where the bisector angles of the threads reverse. However, as seen in the drawings of Thévenin, the threads in the front area of FR 1,483,931 do not have bisector angles exclusively "outwardly inclined toward the screw head". Rather, the threads in the front area of FR 1,483,931 are shown to have bisector angles inclined outwardly both *toward* and *away* from the screw head.

Although these references do possess each and every limitation of independent claim 15 when combined, the Examiner cannot fairly provide a strong motivation to combine them without using impermissible hindsight reasoning. Accordingly, it appears that the combination of limitations found in the independent claim 15 is unique in view of the prior art of record and that the references alone would not reasonably convey or suggest the limitations of claim 15 to one having an ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

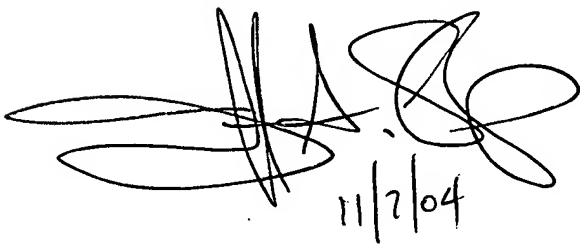
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached on 5:30 am - 4:00 pm Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS

A handwritten signature in dark ink, consisting of several loops and a vertical line, is written over the date. Below the signature, the date "11/2/04" is written in a simple, handwritten style.

11/2/04